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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/710,423  | 07/09/2004  | Richard Heller       | 1372.32.UTLCPDV2    | 5054             |
| 21901   | 7590        | 04/12/2010           |                     |                  |
| SMITH HOPEN, PA<br>180 PINE AVENUE NORTH<br>OLDSMAR, FL 34677 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| WITCZAK, CATHERINE  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3767  |             |                      |                     |                  |
| NOTIFICATION DATE   |             | DELIVERY MODE        |                     |                  |
| 04/12/2010  |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@SMITHHOPEN.COM

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|   |   |                                      |  |
|---|---|--------------------------------------|--|
| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b><br>10/710,423    | <b>Applicant(s)</b><br>HELLER ET AL. |  |
|   | <b>Examiner</b><br>CATHERINE N. WITCZAK | <b>Art Unit</b><br>3767              |  |

  

**All Participants:**

(1) CATHERINE N. WITCZAK.

(2) Molly Sauter.

**Date of Interview:** 7 April 2010

**Type of Interview:**

☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No  
 If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

  

Claims discussed:

1

  

Prior art documents discussed:

US 5,309,910 US 5,546,940 US 5,598,848

**Status of Application:** RCE

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 3:30

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Amendments to the claims were discussed to overcome the newly found references listed above. Limitations were agreed upon, and as such the claims overcome the prior art and are in condition for allowance. These amendments will be entered as an Examiner's Amendment. Furthermore, based on Applicant's arguments in the response filed 3/9/10 regarding the double patenting rejection over US 6,778,853 (as well as the change of scope of the claims resulting from the incorporation of the agreed upon amendment to the claims), the double patenting rejection over US 6,778,853 has been withdrawn. As for the double patenting rejection over US 6,135,990, based upon the change in scope of the claims resulting from the addition of the agreed upon limitations to the claims, the double patenting rejection over US 6,135,990 has also been withdrawn.*

**Part III.**

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
  

/Catherine N Witczak/  
 Examiner, Art Unit 3767

(Applicant/Applicant's Representative Signature – if appropriate)